

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD HAMMONDS, JD 8826

Plaintiff,

v.

JOHN DOE 1; JOHN DOE II; JOHN
DOE III; JOHN DOE IV; OFFICER
RANDY JUSTICE; OFFICER KOVAC;
OFFICER MAXWELL; OFFICER
PENDAL; OFFICER EDWARDS;
OFFICER YOUNG; OFFICER
CHRONISTER; OFFICER HOLLOWAY;
OFFICER WILLIAM FRANCIS;
OFFICER BEST; SGT. ANDREW
COULTER; WARDEN RAMON
RUSTIN; CHIEF EXECUTIVE DAN
ONORATO,

Defendants.

2:10cv444

Electronic Mail

District Judge David Stewart Cercone

Magistrate Judge Cynthia Reed Eddy

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on April 5, 2010, and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On February 7, 2012, the Magistrate Judge filed a Report and Recommendation (ECF No. 66) recommending that Defendants' Motion to Dismiss (ECF No. 55) be granted with respect to Plaintiffs official liability claims against all Defendants and denied with respect to Plaintiffs individual liability claims except as to Defendants Onorato and Rustin, both of which should be terminated from this action. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until February 24, 2012, to

file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 1st day of March, 2012;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. 55) is **GRANTED IN PART AND DENIED IN PART**. Specifically, it is **GRANTED** with respect to Plaintiffs official liability claims against all Defendants and denied with respect to Plaintiffs individual liability claims except as to Defendants Onorato and Rustin, both of which are terminated from this action.

IT IS FURTHER ORDERED that this matter is remanded back to the magistrate judge for all further pretrial proceedings.



David Stewart Cercone
United States District Judge

cc: Richard A. Hammonds
JD-8826
SCI Frackville
1111 Altamont Blvd.
Frackville, PA 17931

(Via First Class Mail)

Craig E. Maravich, Esquire
Michael H. Wojcik, Esquire

(Via CM/ECF Electronic Mail)